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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,925	09/30/2003	Thomas A. Genise	00-TRN-403 CIP #1	5184

7590 11/19/2004  
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EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/674,925

Applicant(s)

GENISE, THOMAS A.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/29/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "GR" in the box under start in figure 8A (only GR<sub>T</sub> is mentioned in the specification), the rectangles and the decision triangles in figures 8A and 8B are not described in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because several figures are shown in figure 1. Each figure should have its own figure number. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 12-21 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claims 12, 15, and 23. Claims recite the limitation "said driving member" first claimed in line 7 from the bottom of claim 12. There is insufficient antecedent basis for this limitation in the claim.

The remaining claims are indefinite due to their dependency from one of claims 12 and 15.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 11, 12, 14-20, 22, 23, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2907433 to Maurice et al. in view of US Patent 3696901 to Henry.

Re: claims 1-6, 8, 11, 12, 14-19, 22, 23 and 25-28. US Patent 2907433 to Maurice et al. show in figures 1, 3, and 4 a vehicular centrifugally operated master friction clutch for coupling an output member 10 of an engine to a transmission input shaft H, the clutch having a driving member assembly 12,22 fixedly rotatable with the engine output member and a driven member assembly as shown rotatable with the transmission input shaft, the clutch comprising: a plurality of flyweights 19 carried by the

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driving member assembly for unitary rotation therewith particularly when element 28 is operated as disclosed in col. 3 lines 22-25 and radial movement relative thereto, wedging members as disclosed in col. 2 line 36 fixed to the flyweights for radial movement therewith, the wedging members received between opposed surfaces (the left side surface of element 20 and the right surface of element 18) of a relatively axially fixed reaction plate 20 and an axially movable plate 18, 16, one of the surfaces (the right surface of element 18) defining a ramped portion extending radially outwardly and axially toward the other of the surfaces whereby as the wedging members move radially outwardly along the ramped portion the axially movable plate will be urged in an axial direction away from the reaction plate; an axially movable pressure plate 13 rotatable with the driving member assembly for applying a clamping force to frictionally engage a friction member 14 rotatable with the input shaft with a friction member (or surface on the driving member that mates with the friction member rotatable with the input shaft) rotatable with the driving member, and a resilient member 15 axially interposed between the axially movable plate and the pressure plate for limiting the magnitude of the clamping force, but does not specifically describe the limitation of return members being used to urge the flyweights radially inwardly.

Henry teaches in the figures 2 and 4 the use of a centrifugal clutch employing return members 48 to urge flyweights 14 radially inwardly as taught in col. 4 lines 62-65. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the flyweights of Maurice et al. with return members, as

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taught by Henry, in order to provide a means of adjusting the desired minimum rotation speed at which centrifugal force will cause outward radial movement of the flyweights.

Re: claims 7 and 20. Maurice et al. shows the relatively axially fixed plate being associated with a wear adjustment mechanism 24.

8. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2907433 to Maurice et al. in view of US Patent 3696901 to Henry as applied to claims above, and further in view of US Patent 3747731 to Smirl. Smirl teaches in the figure on the front of the patent the use of a centrifugal clutch having a Belleville washer 86. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the resilient member of Maurice et al. to have included a Belleville washer, as taught by Smirl, in order to provide an alternate means for creating a biasing effect.

9. Claims 10, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 2907433 to Maurice et al. in view of US Patent 3696901 to Henry as applied to claims above, and further in view of 4646891 to Braun. Braun teaches in the abstract the limitation of using the incipient engagement engine speed and other engagement parameters to perform the engagement and disengagement of the clutch. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the clutch of Maurice et al. to have included monitoring of the incipient engagement engine speed and other engagement parameters of the clutch to provide a means of controlling and/or determining the occurrence of the engagement or disengagement of the clutch.

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***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mmb*  
mmb

November 8, 2004

*Melody M. Burch*  
11/8/04